

ASSEMBLY BILL

No. 708

Introduced by Assembly Member Huffman

February 26, 2009

An act to add Section 12007.12 to the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 708, as introduced, Huffman. Fish and wildlife: poaching.

Existing law regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles. Except as expressly provided otherwise in the Fish and Game Code, any violation of that code, or of any rule, regulation, or order made or adopted under that code, is a misdemeanor.

This bill would establish specific minimum and unspecified maximum fines for certain violations of existing law relating to unlawful taking and possession, where the Department of Fish and Game determines the value of the in fish or wildlife unlawfully taken or possessed is in excess of \$400. The bill would make legislative findings and declarations relating to poaching.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The illegal poaching of fish and wildlife, including the
- 4 wanton killing of migratory birds, deer, bear, fish, and abalone,

1 poses a serious threat to California's wildlife species and
2 biodiversity.

3 (b) Arrests and reported incidents of poaching have increased
4 dramatically in California in recent years. Between 2003 and 2007
5 the number of violations more than doubled, increasing from 6,538
6 hunting violations and 8,001 fishing violations in 2003 to 17,840
7 hunting violations and 15,892 fishing violations in 2007. Illegal
8 poaching of waterfowl in particular has reached the highest level
9 in decades.

10 (c) Current penalties and enforcement levels have proved
11 insufficient to serve as an effective deterrent for illegal poachers.
12 Financial resources dedicated to enforcement of hunting and fishing
13 laws have also declined significantly at the same time that poaching
14 and profits from poaching have soared.

15 (d) California in 2008 had less than 300 fish and game wardens
16 on active duty to patrol the entire state, which includes thousands
17 of miles of coastline and hundreds of thousands of acres of public
18 lands.

19 (e) The economic impact of illegal poaching diminishes the
20 significant public investment the state and law abiding fishers and
21 hunters have made in restoring habitat for fish and wildlife and
22 protecting biodiversity.

23 (f) California's native fish and wildlife are held in trust for the
24 common good of all the people of California.

25 (g) It is therefore the intent of the Legislature that existing laws
26 prohibiting illegal poaching be enforced, that sufficient resources
27 be dedicated for effective enforcement of those laws, and that the
28 penalties for illegal poaching be enhanced, including, in particular,
29 the penalties for egregious poaching violations exhibiting a wanton
30 disregard for the laws protecting native fish and wildlife and the
31 public trust purposes of those resources.

32 SEC. 2. Section 12007.12 is added to the Fish and Game Code,
33 to read:

34 12007.12. (a) In addition to any other fine, forfeiture,
35 assessment, or penalty imposed pursuant to law, a violation of any
36 of the following sections shall be penalized according to this
37 subdivision if the value of the fish or wildlife unlawfully taken or
38 possessed is in excess of four hundred dollars (\$400):

39 (1) For a violation of Section 2000, a fine of not less than five
40 hundred dollars (\$500) or more than ____.

1 (2) For a violation of Section 2002, a fine of not less than five
2 hundred dollars (\$500) or more than ____.

3 (3) For a violation of Section 3007, a fine of not less than one
4 thousand dollars (\$1,000) or more than ____.

5 (4) For a violation of Section 4330, a fine of not less than five
6 hundred dollars (\$500) or more than ____.

7 (5) For a violation of Section 4750, a fine of not less than one
8 thousand dollars (\$1000) or more than ____.

9 (b) The valuation shall be determined by the department
10 pursuant to regulation. The taking or possession of each individual
11 animal is a separate violation for the purposes of this section.

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